

Staff Summary Report



To: Mayor and City Council
Through: City Manager

Agenda Item Number 33
Meeting Date: 07/19/01

SUBJECT: TOSCO OFFICE COMPLEX #SBD-2001.57

PREPARED BY: Hector Tapia, Senior Planner (480-350-8331)

REVIEWED BY: Dave Fackler, Development Services Manager (480-350-8333)

BRIEF: Request by Tosco Office Complex for an Amended Final Subdivision Plat for Papago Park Center, Tract B-1, Phase 1 at 1230 West Washington Street.

COMMENTS: **PLANNED DEVELOPMENT (0406)** Request by **TOSCO OFFICE COMPLEX** (Salt River Project, property owner) for an Amended Final Subdivision Plat for six lots on 22.46 net acres located at 1230 West Washington Street. The following is requested from the City of Tempe:

#SBD-2001.57 An Amended Final Subdivision Plat for Papago Park Center, Tract B-1 Phase 1 for six lots (1A, 2A, 3A, and 1B, 2B, and 3B) on 22.46 net acres.

Document Name: 20010719devsrh01

Supporting Documents: Yes

SUMMARY: Tosco Office Complex is located in parcel B-1, a 22.46 net acre parcel within Papago Park Center at the north west corner of Washington Street and Priest Drive. The intention is to dedicate a parking structure to each building and to create opportunities of separate ownership and financing. Lots 1B, 2B, and 3B would contain the parking structures. Lots 1A, 2A, and 3A would contain the office buildings. No building setbacks are required for parking structures within lots 1B, 2B, and 3B. The proposed subdivision plat appears to meet the minimum requirement of Subdivision Ordinance 99.21. Staff supports this request and public input is not required.

RECOMMENDATION: Staff - Approval
Public - None

- ATTACHMENTS:**
1. List of Attachments
 - 2-3 History & Facts / Description/Comments
 4. Conditions of Approval
-
- A. Location Map
 - B. Final Subdivision Plat
 - C. Letter of Explanation/Intent
 - D. Lots 1B, 2B, and 3B Tract B-1 City Agreement

HISTORY & FACTS:

<u>December 18, 1986</u>	The Council approved a rezoning to I-1, a Subdivision Plat with 12 tracts on 427.7 acres and a Preliminary P.A.D. for Salt River Project's Papago Park Center consisting of 7,028,586 s.f. on 272.5 net acres. In that plan, the subject parcel was shown as corporate office with an 84' height limit.
<u>August 27, 1992</u>	The Council expanded the boundaries of the University Hayden Butte Redevelopment area to include project areas #1-4 in the Rio Salado to facilitate slum clearance and redevelopment financing. Papago Park Center is area #2.
<u>December 10, 1992</u>	The Council amended ordinance 808 to delete a map showing the outlines of the Central Commercial District, largely confined to the Downtown.
<u>February 10, 1994</u>	The Council approved a rezoning from I-1 to CCD for 3.23 acres at 1600 M. Priest Dr. and an amended P.A.D. for Papago Park Center to designate Parcel B3 for 84 dwellings on 3.23 net acres.
<u>May 16, 1996</u>	The Council approved a request for a Fifth Amended Planned Area Development and an Amended Final Planned Area Development for Parcels "B3" consisting of 50,000 s.f. on 2.80 net acres, "D2" consisting of 155,000 s.f. on 7.64 net acres and "E" consisting of 922,650 s.f. on 23.10 net acres located at 1667 N. Priest Drive.
<u>May 15, 1997</u>	City Council approved a request for a Sixth Amended Planned Area Development consisting of 6,592,586 s.f. of total building area on 273 net acres and a Final Planned Area Development for Phase I of Parcel E, consisting of 170,000 s.f. of building area on 12.75 net acres located at 1297 W. Washington Street.
<u>July 10, 1997</u>	The Council approved a request for a Seventh Amended Planned Area Development consisting of 6,487,936 s.f. of total building area on 273 net acres and a Final Planned Area Development for Phase I of Parcel "A2" for Tosco Marketing Co., consisting of 286,000 s.f. of building area (with future phases totaling 549,000 s.f.) on 22.46 net acres located at 1490 N. Priest Drive including a height variance.
<u>September 11, 1997</u>	The Council approved a request for an Eighth Amended Planned Area Development and a Final Planned Area Development for Parcel E Phase II.
<u>April 16, 1998</u>	Council approved an Eighth Amended Preliminary Planned Area Development for Phase II of Parcel E (all phases of Parcel E totaling 549,000 s.f.), consisting of 118,914 s.f. of building area on 11.72 net acres and a Final Planned Area Development for Phase III of Parcel E, consisting of 168,950 s.f. of building area on 8.375 net acres located at 1225 W. Washington Street.

March 25, 1999.

Council approved a request by SunState Builders for development of Papago Hills Corporate Office Park which consisted of a Preliminary P.A.D. and a Preliminary Subdivision Plat for "Tract C" of Papago Park Center, a Final PAD for Phase 1 of C-1 for DHL Worldwide Express, consisting of 91,000 s.f. of total building area including a variance to reduce the required number of bicycle spaces in an ASU commute area, all subject to conditions of approval.

March 30, 2000.

Council approved a zoning change from I-1, light industrial to MG, multi-use general Zoning District, a Final Planned Area Development for 466-unit apartment complex (including two variances), and for a Final Subdivision Plat for 8 lots (Papago Park Center).

March 22, 2001.

Council approved a time extension for a Final PAD for Riverview @ Rio Salado within Papago Park Center and an Amended Final Subdivision Plat for two lots, lots 6 and 7.

DESCRIPTION:

Owner – Salt River Project
Applicant – Curt Wagner, Ryan Companies
Existing zoning – I-1
Total site area – 22.46
Number of lots proposed - 6

COMMENTS:

Tosco Office Complex is located in parcel B-1, a 22.46 net acre parcel within Papago Park Center at the north west corner of Washington Street and Priest Drive.

The intention is to dedicate a parking structure to each building and to create opportunities of separate ownership and financing. Lots 1B, 2B, and 3B would contain the parking structures. Lots 1A, 2A, and 3A would contain the office buildings. No variances are necessary for those lots with agreements filed to be treated as one lot (see attachment D).

The proposed subdivision plat appears to meet the minimum requirement of Subdivision Ordinance 99.21. Staff supports this request and public input is not required.

**REASON(S) FOR
APPROVAL:**

1. The proposed Final Subdivision Plat appears to conform to the minimum requirements of Subdivision Ordinance 99.21.

**CONDITION(S)
OF APPROVAL:**

1. The Final Subdivision Plat shall be recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department. The Planning Division staff shall review details of the document format prior to recordation.
2. No building setback variances are necessary for those lots containing the parking structures, lots 1B, 2B, and 3B (Tract B-1) per City agreement (covenant and agreement restricting use of real property) to treat those lots as one lot. This agreement does not apply to lots 1A, 2A, and 3A Tract (B-1).

TOSCO

SBD-2001.57



LEGEND

- = SET BEAR WITH TAPE CAP
- = FOUND 1/2" BRASS CAP/PISTON
- ⋈ = FOUND ORIENTED "X" IN SURVEIL
- = BRASS CAP
- ⋈ = BRASS CAP IN HAND HOLE
- ⋈ = MARICOPA COUNTY RECORDER
- DOC. NO. = DOCUMENT NUMBER
- RM, PL = BOOK, PAGE
- CLG. = GENERAL LAND OFFICE
- COAT. = CITY OF TEMPE
- = LEASE LINE
- = EASEMENT LINE
- = EASEMENT/RIGHT-OF-WAY LINE
- = MATCH LINE
- = PROPERTY LINE

DEDICATED EASEMENT TABLES

LINE	BEARING	DISTANCE
L1	S 89°23'21" E	18.75
L2	S 89°23'21" E	9.75
L3	S 153°11'0" E	18.75
L4	S 74°52'50" E	37.00
L5	S 153°11'0" E	18.75
L6	S 28°18'13" E	18.24
L7	S 81°42'17" E	35.55

TABLE NOTE

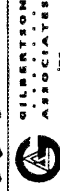
TABLE ADJUSTED CL OF A 12.00 FOOT WIDE
SEPARATE EASEMENT TO BE DEDICATED BY
SEPARATE INSTRUMENT AND TIES TO THE
PROPERTY LINE

CURVE	LENGTH	DELTA	RADIUS
C1	18.23	15°09'44"	347.00



JUN 22 2001

SBD-2001-57

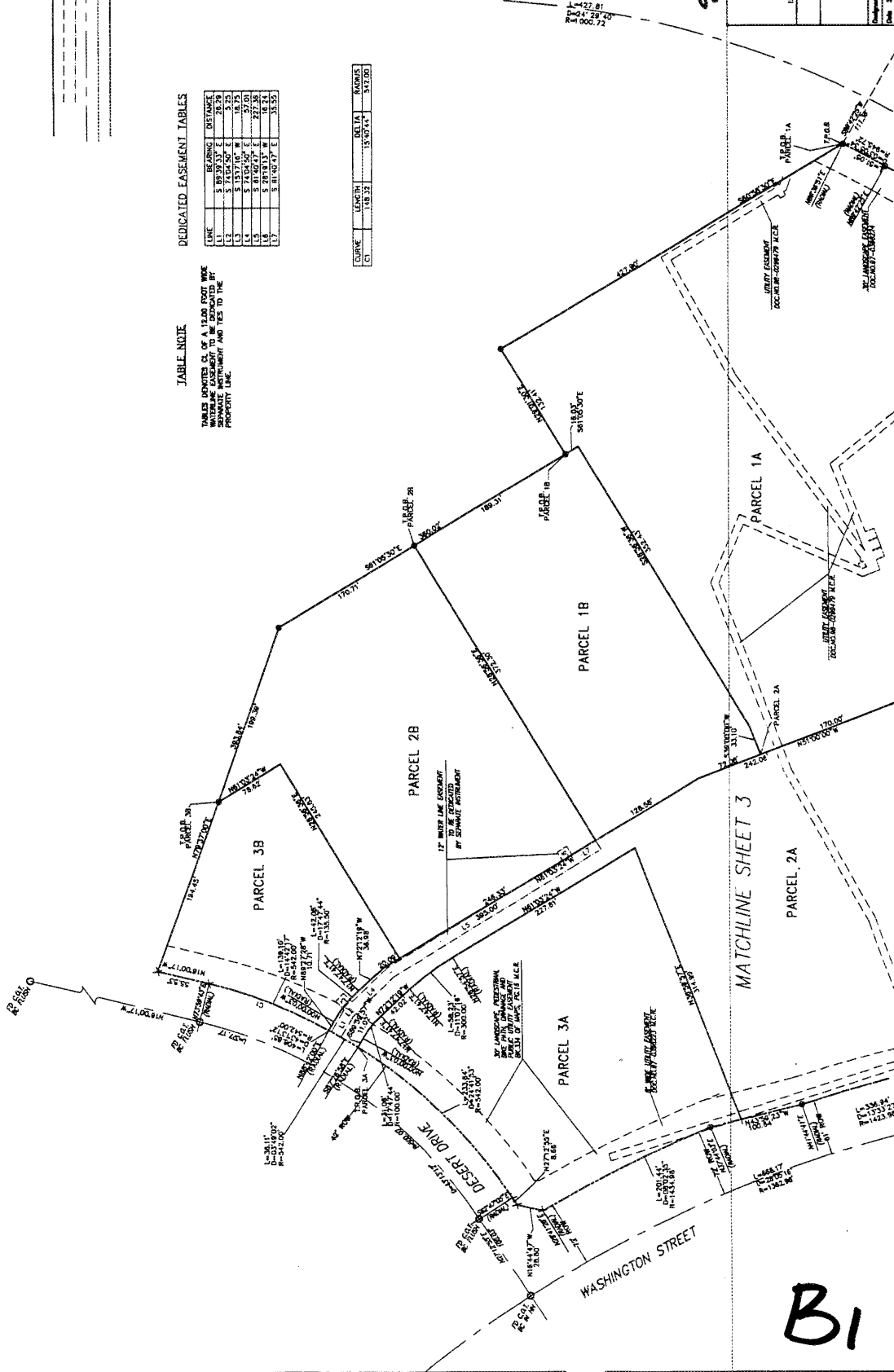


GILBERTSON
ASSOCIATES
INC.
Consulting Civil Engineers & Land Surveyors
18971 North 77th Street, Phoenix, Arizona 85024-0700, 602/997-0244

FINAL PLAT

RESUBDIVISION OF TRACT B-1
FOR TOSCO OFFICE COMPLEX
TEMPE, ARIZONA

Drawn by: [Signature]
Date: 5-4-01
Job No. 0008
Sheet 1 of 3



$$B_2$$

LAW OFFICES
FENNEMORE CRAIG
A PROFESSIONAL CORPORATION

KRISTOPHER HARMAN

Direct Phone: (602) 916-5363
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kharman@fclaw.com

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3003 NORTH CENTRAL AVENUE
SUITE 2600
PHOENIX, ARIZONA 85012-2913
PHONE: (602) 916-5000
FAX: (602) 916-5999

June 26, 2001

BY HAND DELIVERY

City of Tempe
31 East 5th Street
Tempe, Arizona 85281

Re: Resubdivision of Tract B-1 of the Tosco Office Complex

Dear Sir or Madam:

Fennemore Craig represents Tosco Marketing Company in connection with the development of its office complex in Tempe (the "Tosco Office Complex"). We were asked by Curt Wagner of the Ryan Companies to provide a letter explaining the purpose of subdividing Tract B-1 for the Tosco Office Complex. As you may know, the Tosco Office Complex eventually will contain three separate office buildings and three separate parking garages. The subdivision will result in each of these buildings being located on a separate parcel.

As we discussed with Brad Woodford, the Assistant City Attorney, at the beginning of this process back in August, the reason for subdividing the Tosco Office Complex is to permit each of the buildings located in the Tempe Office Complex to be separately owned and financed.

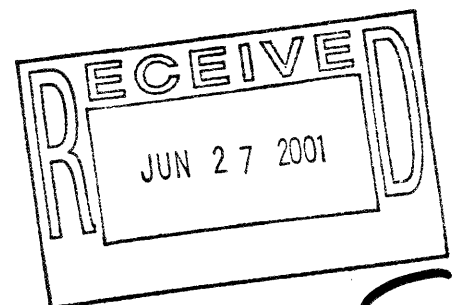
Please call if you have any questions.

Yours very truly,

FENNEMORE CRAIG


Kristopher Harman

cc: Ernie Vitucci (via facsimile)
Curt Wagner
1198738.1/91088.054



WHEN RECORDED, RETURN TO

CITY OF TEMPE-BASKET
Development Services/Building Safety

**COVENANT AND AGREEMENT
RESTRICTING USE OF REAL PROPERTY**

The undersigned hereby certify that we are the owners and ground lessee of the hereinafter legally described real property located in the City of Tempe, County of Maricopa, State of Arizona.

LEGAL DESCRIPTION:

Lots 1B, 2B, and 3B, as shown on the Final Plat for Tract B-1 for Tosco Office Complex

As recorded in Book _____, Page _____, Records of Maricopa County,

we do hereby covenant and agree with said City that the above legally described land shall be used for the construction and operation of parking structures for the parking of passenger vehicles (including automobiles, light trucks, and sport utility vehicles) and for no other purpose and that no substantial alteration of approved parking structures involving a change of use thereof to a purpose other than operation of parking structures for the parking of passenger vehicles shall be made absent written permission from the Deputy Development Services Director/Building Safety of the City of Tempe. In the course of making any alterations, Owner or Ground Lessee, as applicable, shall comply with all applicable laws and codes and obtain all necessary building permits.

This Covenant and Agreement shall run with the land and shall be binding upon ourselves, all future owners, encumbrancers, their successors, heirs and assignees; and shall continue in effect until such time that the Tempe City Code unconditionally permits use other than the purpose herein above referred to or unless otherwise released by authority of the Deputy Development Services Director/Building Safety of the City of Tempe, in accordance with the Code.

The undersigned further certifies that the undersigned, as authorized agents of the owner and ground lessee, respectively, the undersigned are duly authorized to execute this covenant.

Dated this _____ day of _____, 2001.

OWNER:

**SALT RIVER PROJECT AGRICULTURAL
IMPROVEMENT AND POWER DISTRICT**, an
agricultural improvement district organized and existing
under the laws of the State of Arizona

By: _____
Its: _____

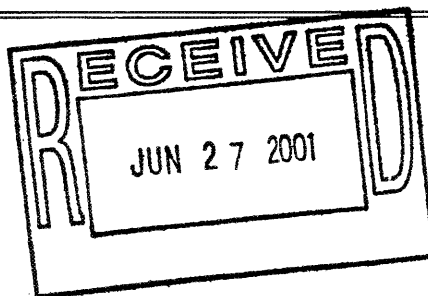
GROUND LESSEE:

BNY WESTERN TRUST COMPANY, a California
banking corporation, not in its individual capacity but
solely as Certificate Trustee of **TEMPE TRUST**

By: _____
Its: _____

(Continued on next Page)

D.B.S. 406.05 (Revised 9/00)



D.B.S. Document # _____

PAGE 1 OF 2

D

STATE OF ARIZONA
County of Maricopa

The foregoing instrument was acknowledged before me this _____ day of _____, 2001 by _____, who acknowledged himself to be the _____ of **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, an agricultural improvement district organized and existing under the laws of the State of Arizona, on behalf of the District.

My commission expires _____
Notary Public

STATE OF ARIZONA
County of Maricopa

The foregoing instrument was acknowledged before me this _____ day of _____, 2001 by _____, who acknowledged himself to be the _____ of **BNY WESTERN TRUST COMPANY**, a California banking corporation, not in its individual capacity but solely as Certificate Trustee of **TEMPE TRUST**, on behalf of the corporation.

My commission expires _____
Notary Public

FOR DEPARTMENT USE ONLY

Approved by _____
Development Services Department/Building Safety

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